

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference <b>PHDE040077WO</b>	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. <b>PCT/IB2005/050902</b>	International filing date ( <i>day/month/year</i> ) <b>15 March 2005 (15.03.2005)</b>	Priority date ( <i>day/month/year</i> ) <b>22 March 2004 (22.03.2004)</b>	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant <b>PHILIPS INTELLECTUAL PROPERTY &amp; STANDARDS GMBH</b>			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |                     |   |
|-------------------------------------|---------------------|---|
| <input checked="" type="checkbox"/> | <b>Box No. I</b>    | Basis of the report   |
| <input checked="" type="checkbox"/> | <b>Box No. II</b>   | Priority  |
| <input type="checkbox"/>            | <b>Box No. III</b>  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | <b>Box No. IV</b>   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | <b>Box No. V</b>    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | <b>Box No. VI</b>   | Certain documents cited   |
| <input type="checkbox"/>            | <b>Box No. VII</b>  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> | <b>Box No. VIII</b> | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

	Date of issuance of this report <b>26 September 2006 (26.09.2006)</b>
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<b>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</b>	Authorized officer
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 06 MAY 2005

DWIPOT

PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

<p><b>Applicant's or agent's file reference</b> see form PCT/ISA/220</p>			<p>Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)</p>
<p>International application No. PCT/B2005/050902</p>	<p>International filing date (day/month/year) 15.03.2005</p>	<p>Priority date (day/month/year) 22.03.2004</p>	
<p>International Patent Classification (IPC) or both national classification and IPC G06F17/60, G07F17/16, G07F19/00</p>			
<p>Applicant PHILIPS INTELLECTUAL PROPERTY &amp; STANDARDS GMBH</p>			

**1. This opinion contains indications relating to the following items:**

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and Industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or Industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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**Box No. I Basis of the opinion**

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1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material:
    - in written format
    - in computer readable form
  - c. time of filing/furnishing:
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
4. Additional comments:

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**Box No. II Priority**

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1.  The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or  
Industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes:	Claims 2-7, 9, 10
	No:	Claims 1, 8, 11, 12
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-12
Industrial applicability (IA)	Yes:	Claims 1-12
	No:	Claims

**2. Citations and explanations**

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

- 1 The following documents are referred to in this communication:  
D1: WO 02/086681 A (ORACLE CORPORATION) 31 October 2002 (2002-10-31)  
D3: EP-A-0 843 449 (SUNHAWK CORPORATION, INC) 20 May 1998 (1998-05-20)  
D5: EP-A-0 679 979 (INTERNATIONAL BUSINESS MACHINES CORPORATION) 2 November 1995 (1995-11-02)
- 2 The present invention consists merely in the application of a well known electronic payment method to the purchase of license-protected content, which is also well known from the prior art. Approaching the examination of the present application with regard to novelty and inventive step from the payment method itself (see 2.5 below) or from the context of license-protected content distribution (see 2.1-2.4 below) leads to the same conclusion, that the application does not meet the criteria of Article 33(1) PCT. The reasons are the following:
  - 2.1 The document D3 discloses a method for a receiving device operated by a buyer of performing payment of content to be received from a transmitting device operated by a seller (col. 5, line 53 - col. 6, line 11 and col. 7, lines 24-58), the method comprising the steps of:
    - setting up a private communication channel between the receiving device and the transmitting device (col. 7, lines 42-45),
    - transmitting a payment container to the transmitting device using the private communication channel, the payment container comprising information authorizing the seller to receive the payment from the buyer's bank (col. 7, line 33 - 38),
    - receiving the content from the transmitting device, based on the arrival of the payment container at the transmitting device (col. 7, lines 46-58).Thus, the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
  - 2.2. The features defined in dependent claims 2-5 relate to implementation details and/or represent straightforward possibilities which the skilled person would select, in

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AUTHORITY (SEPARATE SHEET)**

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accordance with circumstances, without the exercise of inventive skill. None of these additional features in combination with the features of any claim to which the above-mentioned dependent claims refer, meets the requirements of the PCT with respect to inventive step (Article 33(3)PCT).

- 2.3. In order to allow trial of the purchased digital content, the method of document D3 partially restricts the access to the content using encryption. The alternative possibility defined in claim 6, consisting in using a time restriction in order to provide trial of the content, is well known from the prior art (see for example document D5, col. 16, lines 2-10) and it is also suggested in document D3 (col. 7, lines 30-33 and col. 8, lines 29-32). Thus, this possibility would be obvious to the person skilled in the art (Article 33(3)PCT).
- 2.4. Claims 8, 11 and 12 are not new (Article 33(2) PCT), and claims 7, 9 and 10 do not involve an inventive step (Article 33(3)PCT) for the reasons set out in 2.1-2.3.
- 2.5. Furthermore, the document D1 discloses a method for a receiving device operated by a buyer of performing payment of goods purchased through a transmitting device operated by a seller (p. 21 line 12 - p. 27, line 22), the method comprising the steps of:
  - setting up a private communication channel between the receiving device and the transmitting device (p. 21, lines 23-25 and p. 24, lines 3-5),
  - transmitting a payment container to the transmitting device using the private communication channel, the payment container comprising information authorizing the seller to receive the payment from the buyer's bank p. 21, line 25 - p. 22, line 9),
  - receiving the goods, based on the arrival of the payment container at the transmitting device (implicit in D1).

The subject-matter of claim 1 therefore differs from this known method in that the goods purchased through the transmitting device represent content which is received from the transmitting device.

The problem to be solved by the present invention may therefore be regarded as providing faster delivery of digital products and services purchased online. According to document D1 the buyer and the seller are engaged in an online

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transaction, i.e. the goods to be shipped to the buyer are selected and purchased online. Given this indication, the possibility to transfer goods in digital form (i.e. digital content) from the transmitting device would represent to the person skilled in the art an obvious solution to the problem identified above. Indeed, downloading from the seller is the most convenient and wide-spread method of delivering goods in the context of online transactions. This method is well known from the prior art (see for example document D3, col. 5, line 53 - col. 6, line 11).

Thus, the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

The features defined in dependent claims 2-6 are either known from document D3 or relate to implementation details and/or represent straightforward possibilities which would also be obvious (Article 33(3)PCT) to the skilled person.

The subject matter of claims 7-12 does not involve an inventive step in the sense of Article 33(3)PCT for the reasons set out above.

**Re Item VIII**

**Certain observations on the International application**

Method claims 1, 8 and 9 have been drafted as separate independent claims, although they relate to much the same subject matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

The same applies to claims 11 and 12, and to claims 7 and 10.